

U.S. CIV 9117-

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

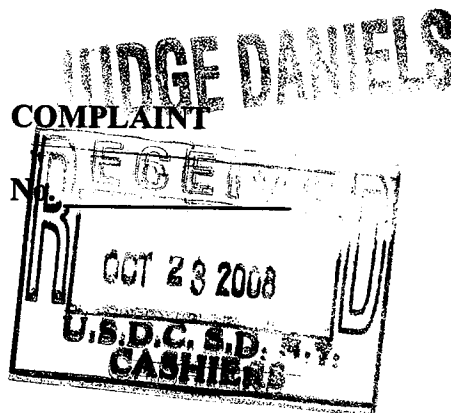
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MITRE SPORTS INTERNATIONAL LIMITED, :

Plaintiff, :

v. :

HOME BOX OFFICE, INC., :

Defendant. :
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On September 16, 2008, the Home Box Office, Inc. ("HBO") program "Real Sports with Bryant Gumbel" broadcast on cable television ("broadcast" or "air"ed) in the United States for the first of many times, a feature variously titled "Childhood Lost" or "Children of Industry" depicting children stitching soccer balls in two Indian cities, Jalandhar and Meerut. The children were variously portrayed as being paid 5 cents per hour, or nothing at all, since many were said to be bonded laborers working to repay loans given to their parents by soccer ball manufacturers. The program detailed inhumane working conditions and the children's loss of schooling, hope, and their very childhood.

Despite explicitly stating that Real Sports had found "at least 10 international brands" of soccer balls being stitched by children, the report falsely, maliciously, and intentionally mentions and targets one and only one brand, *MITRE*. Mitre Sports International Limited ("Mitre"), a company which has played a leading role in the international effort to eliminate child labor in the manufacture of soccer balls, does not permit child labor. Mitre obtained and presented HBO proof of the falsity of the program's statements concerning Mitre prior to its first broadcast. Childhood Lost falsely, intentionally and maliciously perpetrates a hoax on Mitre and the

millions of viewers who watched the initial and subsequent HBO broadcasts and who have viewed the program on YouTube and other internet sites.

HBO refused Mitre's request that the report not air until Mitre could fully demonstrate the false and defamatory nature of the allegations concerning Mitre. After the first broadcast, HBO refused Mitre's demand that it cease additional broadcasts and secondary distribution of the report and its contents. This action for libel follows HBO's reckless and unreasonable refusals and multiple and continuing publications of its hoax, *Childhood Lost*.

I. NATURE OF THE ACTION

1. This is an action for libel under the Common Law and the laws of New York State arising from HBO's false, defamatory and malicious statements concerning Mitre. Mitre, by its undersigned attorneys Constantine Cannon LLP, seeks permanent injunctive relief and both compensatory and exemplary damages and alleges as follows, based on facts as to itself, and upon information and belief as to others.

II. PARTIES

2. Plaintiff Mitre is a privately held corporation, registered in England and Wales, with its principal place of business in London, England. Mitre manufactures soccer balls and other soccer equipment and clothing which are sold in the United States and throughout the world.

3. Defendant HBO is a Delaware corporation with its principal place of business in New York, New York. HBO is the leading pay-TV network in the United States. HBO has a subscriber base of approximately 40 million households. HBO programming, including the Real Sports feature *Childhood Lost* at issue in this action, is viewed by millions of people in the United States as well as people in more than 150 foreign countries.

III. JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(2) as Mitre is a citizen of the United Kingdom, HBO is a citizen of Delaware and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

5. This Court has personal jurisdiction over HBO pursuant to New York Civil Practice Law and Rules §§ 301 and 302(a). HBO is headquartered in and maintains extensive business offices and facilities in this District, has consented to receive process in this District, regularly transacts business in this District, contracts to supply goods and services in this District, and owns, uses and possesses real property in this District.

6. Venue is proper and convenient in this District under 28 U.S.C. § 1391(a)(1) and (2).

IV. FACTUAL ALLEGATIONS

7. On September 16, 2008, the HBO show Real Sports containing the feature Childhood Lost was first broadcast to HBO subscribers in the United States. Childhood Lost, in its entirety, is appended to this complaint in two forms, that is, the actual video presentation and a verbatim transcription of the audio portion. These respectively are exhibits “A” and “B” to this complaint. All quotations in this complaint from this point forward are quotations from Childhood Lost unless otherwise specifically noted.

8. Childhood Lost is an approximately 21 minute length feature concerning the purported use of child labor in the manufacture of soccer balls in the cities of Jalandhar and Meerut, India.

9. Childhood Lost describes the “disturbing details” of the lives of children stitching soccer balls including that:

- they are “some of the poorest children on earth”;

- they are “as young as 6 [and] spend their days crouched on dirt floors stitching soccer balls together for pennies a day if they're lucky, and for nothing at all if they're not”;
- “they don’t go to school, they have no time to play, even they [sic] cannot eat properly because they have to work hard for 10, 12, 15 hours a day.”;
- “They have no childhood. They have no freedom. They have no human dignity.”

10. Childhood Lost describes and shows children making soccer balls in two cities, Jalandhar, in the Indian state of Punjab, where HBO claims they are paid 5 cents an hour for their work and Meerut, in the Indian state of Uttar Pradesh, where they are bonded laborers working to repay their parents' debts to soccer ball manufacturers. As such they are paid nothing and likely doomed to a life of bondage, described in the program as “slavery.” This “slavery” will extend beyond their childhoods and deaths “generations to generations.”

11. Childhood Lost provides the viewer many purported facts and bases to convince the viewer that HBO has uncovered something that soccer ball manufacturers, United States retailers, the government of India and the U.S. Department of Labor either don’t know about or have countenanced by not trying hard enough to discover. Real Sports host Bryant Gumbel says in Childhood Lost, “when they say they investigated it, are they just lousy investigators or are they lying?”

12. Among these purported facts and bases of HBO’s self-aggrandizement are several which demonstrate that beyond the false and defamatory nature of the statements about Mitre, Childhood Lost was maliciously written and edited to single out Mitre for false and defamatory treatment. This hoax is also a hatchet job.

13. Childhood Lost states that “[w]e found at least 10 international brands being stitched by kids here [Jalandhar].”

14. Childhood Lost also states that “[i]n the New York area we were able to buy several brands of balls that we saw being made by children in India.”

15. Despite these statements, Childhood Lost mentions one and only one brand, *MITRE*, and does so 16 times.

16. Childhood Lost tells its story through video footage and interviews of children in Jalandhar and Meerut. The first of these children is a “12” year old girl from Jalandhar named “Manjit” Kaur, although the program uses only her first name.

17. Manjit is shown stitching Mitre soccer balls. Viewers are told she earns 5 cents an hour for her work, “her back aches and her eyes hurt” and Manjit says “I have no choice but to work. I can’t go to school. I have to work because my grandparents are very old and we are very poor.”

18. After Childhood Lost aired for the first time, Mitre obtained a filmed interview with Manjit demonstrating that Manjit’s HBO performance was just that, having been induced by promises of money and celebrity to make believe she was a child laborer engaged in the stitching of Mitre soccer balls. Mitre also obtained an affidavit from Sohan Lal, Manjit’s uncle and guardian, stating that Manjit has completed studies up to “6th standard,” that neither she nor any of Mr. Lal’s other children, nor he nor his wife, have ever stitched soccer balls and that Manjit had been promised 100 rupees to pose in a video. He expresses sadness and hurt that Manjit has been manipulated in this manner. The video clip and transcript of Manjit’s interview are appended to this complaint as Exhibit C. Sohan Lal’s affidavit is appended to this complaint as Exhibit D. On October 1, 2008, Mitre informed HBO of Manjit’s video interview and Sohan Lal’s affidavit.¹

¹ Letter from Lloyd Constantine, Attorney for Mitre, to Bill Nelson, HBO Chairman and CEO (October 1, 2008), appended to this complaint as Exhibit E.

19. Childhood Lost portrays two other children making Mitre soccer balls in Jalandhar, the brothers “Deepoo [sic]” and “Aman” Singh, ages 13 and 10 respectively. Here, again, only the children’s first names are used in the program.

20. After Childhood Lost aired for the first time, Mitre obtained a filmed interview of these two children stating that they have never stitched any soccer balls. Mitre also obtained an affidavit from the children’s father, Surjit Singh, stating that the children were induced by a promise that they would appear on television to make believe that they were child laborers. He registers his anger about the exploitation of his children in this manner. The video clip and transcript of Deepak’s and Aman’s interview are appended to this complaint as Exhibit F. Mr. Singh’s affidavit is appended to this complaint as Exhibit G. On October 1, 2008, Mitre informed HBO of Deepak’s and Aman’s video interview and Surjit Singh’s affidavit. *See Exhibit E.*

21. While those three children, Manjit Kaur, Deepak Singh and Aman Singh, are the only three named children shown and described as stitching Mitre soccer balls in Childhood Lost, prior to its first airing, HBO sent to Mitre still-shots of two children -- Preeti and Savita Singh -- from the anticipated broadcast. In response and prior to the first airing, Mitre obtained and showed HBO a video interview (with translation) of Preeti and Savita stating that they had been induced to make believe that they were child soccer ball laborers for a video, with the inducement that they would appear on television. The video interview and transcript of Preeti and Savita Singh, ages 11 and 7 respectively, are appended to this complaint as Exhibit H. The affidavit of their mother, Prema Singh, is appended to this complaint as Exhibit I.

22. When Childhood Lost shifts from Jalandhar to Meerut, India, the story is told through interviews with Hermeet Kumar, a 10 year old bonded laborer. Hermeet will stitch

soccer balls, likely for his entire childhood, in what is predicted to be a vain attempt to repay less than \$100 advanced to Hermeet's mother to buy medicine, in what was a futile attempt to save the life of Hermeet's (since deceased) infant brother. Hermeet is shown stitching soccer balls. However, unlike the Jalandhar footage, purportedly involving Mitre, the brand of the balls being stitched by the enslaved child is neither shown nor mentioned.

23. After footage of Hermeet Kumar is shown, *Childhood Lost* shows many other unnamed children both stitching and delivering finished soccer balls in Meerut, but never shows the brands of these balls nor mentions the names of these brands.

24. No Mitre soccer balls are made in Meerut, India, nor have they ever been, but the clear and malicious intent of *Childhood Lost* is to convey the impression that Hermeet Kumar and the other debt-bonded child laborers in Meerut stitch Mitre soccer balls. *Childhood Lost* accomplishes this by "sandwiching" the Meerut segment, in which the soccer ball brands are known but never mentioned, between two segments filmed in Jalandhar where *Childhood Lost* mentions and/or shows Mitre's brand 10 times, though it never mentions or shows the known names of at least 9 other brands of soccer balls purportedly stitched by child laborers in Jalandhar.

25. *Childhood Lost* shifts from the Meerut segment back to Jalandhar with a transition linking the two different places and different sets of practices in a manner that all but eliminates any perception of those differences. These differences are all the more significant as the manufacture of soccer balls in Jalandhar, where Mitre soccer balls are made, is monitored by the Sporting Goods Federation of India, an organization of manufacturers committed to eradicating child labor. No such monitoring is present in Meerut, where Mitre soccer balls are not made.

26. Charlotte Ponticelli, a U.S. Labor Department official is confronted with Real Sports' evidence of indentured labor in Meerut and observes that "[o]ne of the biggest hurdles you face addressing this problem is the fact that so much of it is hidden."

Real Sports' reporter Bernard Goldberg: "You're saying it's hard?"

Ponticelli: "It's very hard"

Goldberg: "It may in fact be very hard. But Real Sports was able to walk right into a stitching center in Jalandhar, where 4 kids not much older than 10 were working for pennies a day. They were stitching *MITRE* Cobra model balls, size 4, in blue and white . . ."

27. Some of the reasons HBO singled out Mitre in this hoax become obvious from viewing *Childhood Lost*. These include the stated fact that "Mitre, which is based in London, has been the exclusive ball of the most prestigious league in the world, the English Premier League." Similarly, the report states that Mitre is the exclusive ball of "America's pro league, Major League Soccer." Also, the report notes that Mitre has been the industry leader in combating child labor, noting that in "the 1990's after widespread child labor was uncovered in Pakistan's soccer ball industry, Mitre called a summit of the world's biggest soccer ball makers and they all pledged to stop using child labor." All this, Mitre's size, foreign home and ownership, worldwide name recognition, former association with premier leagues, and even Mitre's leadership in preventing child labor made Mitre a convenient target for *Childhood Lost*, with its overarching assertion that Real Sports has blown the whistle on shocking conduct that governments and industry publicly abhor but are too lazy or too stupid to discover, though it's right there in front of their eyes. As *Childhood Lost* states, child labor is "hidden in plain sight" and "clearly they are all letting it happen."

28. Similar in this respect is *Childhood Lost*'s spotlight on Wal-Mart, on whose shelves the previously mentioned *MITRE* Cobra balls were found. The program states that Wal-

Mart is the nation's largest retailer, and indeed it is the largest corporation in the world and another leader in the fight against child labor. Because of that Wal-Mart becomes another convenient target. Indeed, Mitre was more convenient than any of the "at least" 9 other soccer ball brands that the report claims to know are employing child labor in Jalandhar or the known but unnamed brands being stitched by the enslaved children of Meerut. It was so convenient to target Mitre that HBO maliciously used information that it knew was false. Mitre demonstrated to HBO the falsity of the footage dealing with Mitre before the initial broadcast on September 16, 2008 and subsequently when Mitre demanded cessation of additional broadcasts and corrective measures.

29. One other factor is manifest in HBO's design to defame Mitre. HBO assumes that it can get away with this hoax because it was perpetrated using children in remote regions of a remote country. Therefore, HBO assumes and asserts that their truthful testimony and that of their guardians will be unavailable and/or inadmissible in an American court. In refusing Mitre's demand that it desist from further broadcasts of *Childhood Lost* and take corrective measures, HBO stated "we do not believe that Mitre will be able to carry its burden to prove by clear and convincing evidence, *admissible in a United States court*, that the 'gist' or 'sting' of the Segment is false, let alone that it was distributed with actual malice."²

30. While some of HBO's motive and strategy in perpetrating this hoax is known, much is not known.

31. Among other things not known is the relationship between HBO and other soccer ball manufacturers and the role such relationships had in the intentionally deceptive formulation of the final script for *Childhood Lost*.

² Letter from Stephanie S. Abrutyn, HBO Vice President and Senior Counsel, to Lloyd Constantine, Attorney for Mitre (October 6, 2008) (emphasis added), appended to this complaint as Exhibit J.

32. Childhood Lost's statements and portrayals of Manjit Kaur, Deepak and Aman Singh, and unnamed other children employed stitching Mitre soccer balls in Jalandhar are false and defamatory and were broadcast with malice and intentional disregard for the truth.

33. Similarly, false, defamatory and malicious is Childhood Lost's portrayal of conduct in Meerut, India, intended to convey the impression that Mitre balls are stitched in that city by debt-bonded children, though HBO knows that is not true and further knows the brands of soccer balls actually manufactured using child slave labor in Meerut.

34. The false, defamatory and malicious statements and depictions in Childhood Lost include the following:

Manjit

Goldberg: "Manjit is an orphan who lives with her grandparents. She's also a full-time soccer ball stitcher and she's only 12."

Manjit: "I have no choice but to work. I can't go to school. I have to work because my grandparents are very old and we are very poor."

Goldberg: "And how much does she earn for her work? About a nickel an hour. It'll take her 3 hours to finish this ball, so Manjit will make 15 cents for a ball that might sell for \$15.00."

* * *

Goldberg: "The children can start young, as soon as they can hold a needle and thread. But the work makes them old before their time. Hunched over all day, staring at pin sized holes, Manjit says her back aches and her eyes hurt. Then there are the tools of the trade."

Children's Rights Advocate,

Kailash Satyarthi: "They cannot make small mistake otherwise they will cut their fingers and they keep on working with their injured fingers all day. Because if they are not able to complete the work given to them they have, ah, to be punished for that. Their money will be deducted."

Goldberg: "Money would be deducted?"

Satyarthi: "So, so, yeah, 5 cents would be deducted."

Goldberg: "Really?"

Satyarthi: "Something like that, but it is a big thing for them."

Goldberg: "Big for them maybe, not so much for the brands they're stitching for. Manjit is making the ball for Mitre, one of the biggest soccer brands in the world, the preferred brand of the pros." (Manjit is shown sewing a *MITRE*-stamped soccer ball.)

Deepak and Aman

Goldberg: "We met dozens of kids making Mitre balls in Jalandhar, like the brothers Deepoo [sic] and Aman. And it's not just Mitre. We found at least 10 international brands being stitched by kids here, kids for whom the fine print on many of those balls means absolutely nothing. Fine print that promises that they are made without child labor." (Deepak and Aman are shown sewing *MITRE*-stamped soccer balls.)

Satyarthi: "We see it quite often. 6 year old, 7 year old children are putting the labels on the soccer balls that says, 'free of child labor.' And these labels are the part of their, your so called policy."

Goldberg: "Well, a label that says no child, this ball was made with no child labor, which is stitched onto the ball by a child is what we call ironic."

Satyarthi: "Yeah."

Goldberg: "But I have a feeling you'd have a different description for it."

Satyarthi: "It's criminal."

Meerut and Debt-Bondage

Goldberg: "Meerut is even poorer than Jalandhar and hides an even darker secret, because most of the children who stitch soccer balls here don't make pennies an hour, they make nothing at all, and they have no choice in the matter. There's a word for this sort of thing Satyarthi says."

Satyarthi: "This is slavery."

Goldberg: "You're calling this slavery."

Satyarthi: "I call it slavery. I underline, it's slavery. Nothing else."

Goldberg: "Hermeet Kumar is 10 years old. Most kids his age have hopes and dreams. His are all in the past tense."

Kumar: "I wanted to be like you when I grew up."

Goldberg: "By that he means educated and free, two things he'll probably never be, not since his family sold his freedom for less than \$100.00. It happened last spring when Hermeet's baby brother got sick and needed medicine to live. Their mother needed a loan and with no other choice, she got one from the local soccer ball maker in exchange for Hermeet's freedom."

* * *

Goldberg: "The good news is that Hermeet will go free once he works off the loan. The bad news? That'll probably never happen. The soccer ball makers lend out money at exorbitant rates, something the uneducated villagers tend to learn the hard way."

Mother of
Hermeet Kumar: "The loan has already doubled from the interest in only a few months. He makes soccer balls every day but it doesn't really help. In fact, the loan only grows, so how can we pay it back?"

Goldberg: "So the children are giving up their childhood in order to pay off a debt that their parents incurred and a debt, not for some luxury item, but maybe for medicine because of an illness in the family?"

Satyarthi: "Exactly. It's not they are giving up their childhood, their childhood is robbed off, their childhood is taken away."

Goldberg: "What happens when the children get older and they haven't worked off the debt? Do their brothers and sisters have to take over or anything like that?"

Satyarthi: "Oh, even their own children have to do it."

Goldberg: "No."

Satyarthi: "Yeah, it goes on generations to generations."

Goldberg: "There's a technical term for this: debt bondage. And in Meerut, one of the most desperate places in India, it's as common as it is illegal. Rhenu has been in bondage for 4 years since she was 8."

Rhenu: "I sit everyday, morning to evening, just working. There's never time to play. And it's all for nothing, the work never ends. If I could go to school, I could become something, but as it is I will not amount to much."

Goldberg: “And unless something changes Hermeet Kumar won’t amount to much either. . . . Hermeet wakes up each morning not to go to school, but to deliver finished balls to his master - a subcontractor who works for the soccer ball makers.”

Immediately preceeding, during, and after the Meerut segment of *Childhood Lost*, Real Sports states that Mitre uses child labor in Jalandhar. The intent of this studied juxtaposition is clear. By not mentioning any soccer ball manufacturer other than Mitre (though “at least” 9 others are known to Real Sports), and by linking Mitre’s name with the Meerut segment, the report creates the false perception that Mitre uses child slave labor in Meerut. This false perception is exacerbated by Real Sports’ failure to name the soccer ball brands made by children in Meerut, although those brands are known to Real Sports.

Other Children in Jalandhar and Wal-Mart

Goldberg: “Real Sports was able to walk right into a stitching center in Jalandhar where 4 kids not much older than 10 were working for pennies a day. They were stitching *MITRE* Cobra model balls, size 4, in blue and white, each printed with the same UPC code, the first 5 digits 29807, the unique number we learned, for all Mitre balls bound for the United States. And that’s just where we found them, on the shelves of the biggest retailer in the country: Wal-Mart. The UPC code on the balls was the same as the number in India. Wal-Mart, like Mitre, has an official policy banning products made by children. Wal-Mart will not tolerate child labor, it says. But, it’s not only Wal-Mart. In the New York area we were able to buy several brands of balls that we saw being made by children in India. And federal import records reveal scores of shipments of balls from India’s soccer cities to America’s ports over the past two years.”

These statements are accompanied by footage of several children stitching *MITRE*-stamped soccer balls followed by close-up shots of a UPC bar code. Next, *MITRE* Cobra model balls, size 4, are shown purportedly on the shelves of Wal-Mart with close-up shots of a matching UPC bar code.

“Guilty Parties”

Gumbel: “[G]overnments, manufacturers and retailers all say they abhor the practice of child labor. Yet clearly, they are all letting it happen.”

* * *

Gumbel: “There are clearly lots of guilty parties here. But, but, where do we, where do we assign most of the blame?”

Goldberg: “Right, that’s a very, that’s a very good question and it’s a very difficult question for this reason. Are we, are we supposed to believe that Mitre, for instance, which is just one of many companies that are involved in this, ah, are we supposed to believe that Mitre, an international company based in London, is going to know what is happening on a side street in Jalandhar, India? It’s hard. It’s very hard.”

Gumbel: “I understand that, but when they say they investigated it, are they just lousy investigators or are they lying?”

Goldberg: “Well, let me answer it this way. I, I don’t believe they’re lying. I honestly believe and I don’t think I’m naïve, I honestly believe that Mitre and all the other companies would like this to be wiped out once and for all. Having said that, we’re a television program. We don’t have subpoena powers. We don’t have guns. We don’t have badges. We can’t walk in and tell everybody to get their hands up on a wall. But we found it. We found it.”

Gumbel: “That’s what I said. How good can their investigation be? How hard can they be trying?”

35. HBO broadcast Childhood Lost to at least five different audiences through five HBO channels at various times on the evening of September 16, 2008 (HBO-MTN East, HBO-Central, HBO-East, HBO-Pacific, and HBO-MTN West). Over the following weeks, from September 16 to October 7, HBO broadcast Childhood Lost to an additional 51 different audiences, showing the defamatory report at various times throughout the day on the aforementioned channels, as well as on HBO2-East and HBO2-West. A table identifying each of these broadcasts is appended to this complaint as Exhibit K.

36. HBO also has made Childhood Lost available through HBO On Demand from September 22, 2008 through October 26, 2008. This service allows any HBO subscriber to choose to watch the program at their convenience, resulting in a potentially unlimited number of separate broadcasts.

37. Since HBO's initial publication, Childhood Lost has been transmitted on the popular video-sharing website, www.YouTube.com, spawning thousands or even millions of viewings. And Childhood Lost is being transmitted through other internet sites, apparently under the direction of HBO. The website www.fancast.com, for example, allows a viewer to search for Childhood Lost on that website and then navigate through the website directly to HBO On Demand. Another website, www.hulu.com, offers a similar service – again, with the apparent approval of HBO.

38. The defamatory statements in Childhood Lost have been repeated and discussed in on-line news reports, internet blogs and message boards, and other internet sources. Some of the known re-publications of these defamatory statements are currently found at the following websites: <http://www.mysoftwarestartup.com/blogs/general/archive/2008/09/16/child-labor-india-soccer-balls-amp-walmart.aspx>; <http://geekswithblogs.net/rwalker/archive/2008/09/16/child-labor-india-soccer-balls-amp-walmart.aspx>; <http://www.laborrights.org/stop-child-labor/foulball-campaign/1734>; http://laborrightsblog.typepad.com/international_labor_right/2008/10/modern-day-slav.html; <http://soccer.fanhouse.com/2008/09/16/indian-child-labor-exploited-in-production-of-soccer-balls/>; <http://www.fangsbites.com/2008/09/review-of-real-sports-for-091608.html>; <http://www.militaryphotos.net/forums/showthread.php?t=143129>; and <http://boards.hbo.com/topic/Real-Sports-Member/916-Episode-138/1900008531>.

39. As a direct and proximate result of HBO's conduct set out above, Mitre has suffered and continues to suffer substantial damage to its name, mark, business and reputation. Shortly after the initial airing of *Childhood Lost*, Wal-Mart, the largest retailer of Mitre balls in the United States, removed all *MITRE* Cobra soccer balls from its shelves. Modell's Sporting Goods, another large sporting goods retailer, has removed all Mitre sporting equipment from its stores.

40. Mitre has also received hundreds of complaints from customers and the public in response to HBO's multiple airings of *Childhood Lost* and its republication through internet and other outlets. One such complaint from Brandon Lawrence of Westerville, OH reads: "I just watched the *Childhood Lost* segment on HBO Real Sports and was appalled at seeing your soccer balls being produced by Indian children. . . . I will not be purchasing your products at any point in the future and will urge others to do the same. Mitre's motivation to line its pockets and rob these children of meaningful lives turns my stomach."³ Amy Smith of Ohio writes: "Your company uses *slave* and child labor. . . . I am ashamed that my daughter's [sic] have used Mitre balls made by other children."⁴ Kristian Rex of the Massachusetts Youth Soccer Association writes: "How can you sit in your ivory tower and allow your soccer ball sub-contractors (Rohan for one) to subject the tiny children of India to *debt bondage*, *slavery* and obscene child labor criminality?"⁵ Brian W. LaCorte of Phoenix, Arizona writes: "I just watched the above-

³ Email from Brandon Lawrence to Mitre (October 3, 2008), appended to this complaint as Exhibit L.

⁴ Email from Amy Smith to Mitre (September 17, 2008) (emphasis added), appended to this complaint as Exhibit L. As alleged on ¶¶ 24, 25, 33 and page 13 of ¶ 34, HBO's linkage of Mitre with the Meerut segment has created this false perception that Mitre uses child slave labor in Meerut, India.

⁵ Email from Kristian Rex to Mitre (September 23, 2008) (emphasis added), appended to this complaint as Exhibit L.

referenced report about *child slavery* in India as a source of manufacture for your products. . . .

What a disgraceful state of affairs for your company."⁶

41. Gordon Rosenberg of Bend, Oregon writes: "I just watched the expose on Real Sports about children in India *being forced by one of your sub-contractors to sew your soccer balls all day for nothing*. . . . You owe it to all those children *who have been forced into slavery in your name* to repay the damages and take further action I'm a big soccer fan and dislike the thought that I may be watching games played with balls stitched by *enslaved* 10-year-olds."⁷

Lyle B. Grimes of Bridge City, Louisiana writes: "It sickened me to see the report on the Real Sports television program. . . . to turn your head and profit off the suffering of poor children puts you and the other *soccer ball slave owner companies* at a new low."⁸ Andrea Bernstein writes: "How shameful that children in India are making your soccer balls. I will NEVER EVER EVER EVER EVER buy a Mitre soccer ball. . . . The American news program Real Sports has uncovered this atrocity. . . . I am telling everyone I know who plays soccer in the US to NEVER buy a Mitre soccer ball. . . . Your company disgusts me."⁹

V. CLAIMS FOR RELIEF

Multiple Actions for Libel

42. Mitre repeats and realleges each of the foregoing allegations in this complaint as if set forth fully herein.

43. Each statement made by HBO about Mitre complained of in the preceding

⁶ Email from Brian W. LaCorte to Mitre (September 17, 2008) (emphasis added), appended to this complaint as Exhibit L.

⁷ Email from Gordon Rosenberg to Mitre (September 24, 2008) (emphasis added), appended to this complaint as Exhibit L.

⁸ Email from Lyle B. Grimes to Mitre (September 22, 2008) (emphasis added), appended to this complaint as Exhibit L.

⁹ Email from Andrea Bernstein to Mitre (September 24, 2008), appended to this complaint as Exhibit L.

paragraphs is false, disparaging, derogatory, and misleading.

44. Mitre does not use child labor for the manufacture of soccer balls in Jalandhar, India.

45. Mitre does not use child labor for the manufacture of soccer balls in Meerut, India. No Mitre soccer balls are made in Meerut, India.

46. HBO made these defamatory statements knowing that they were false or with reckless disregard as to their falsity and that they would harm Mitre.

47. HBO broadcast these defamatory statements for the first time on September 16, 2008 by broadcasting the report containing the defamatory statements. That and subsequent broadcasts, transmissions and re-publications were viewed by millions of people across the United States, a more precise number to be known after discovery. HBO subsequently broadcast these defamatory statements multiple times on September 17, 18, 20, 22, 24, 27, 28, and October 6 and 7, 2008, for a total of 56 separate broadcasts as identified in Exhibit K. HBO also made the report containing the defamatory statements available for viewing on HBO On Demand from September 22, 2008 through October 26, 2008. HBO allowed the further dissemination of the report in part or in whole through internet-based outlets as alleged in paragraphs 37 and 38 herein. Each broadcast, transmission or publication of these defamatory statements constitutes a separate instance of libel.

48. Such false statements have caused and continue to cause injury to Mitre's name, mark, business and reputation.

49. As a direct and proximate result of HBO's defamation, Mitre has been damaged in an amount which currently is estimate to be tens of millions of dollars, exclusive of interest and costs, and to be proven more specifically at trial.

50. HBO's defamatory words are libelous per se.

51. HBO's false statements were committed with wanton and malicious disregard for the truth of those statements such that punitive damages are warranted.

VI. PRAYER FOR RELIEF

WHEREFORE, Mitre requests relief as follows:

A. that the Court declare, adjudge, and decree that Defendant has published false statements about Mitre;

B. that the Court issue a permanent injunction against Defendant from the publication and dissemination of such defamatory and malicious statements concerning Mitre;

C. that for all instances of libel, the Court award to Mitre all compensatory and other damages, including exemplary damages, to which Mitre may be entitled for Defendant's defamatory and malicious statements concerning Mitre;

D. that the Court award Mitre's attorneys' fees and costs and any and all further relief to which Mitre may be entitled or which the Court shall deem to be just and proper; and

E. that the Court award pre- and post-judgment interest to Mitre on any and all damages awarded to Mitre.


JURY DEMAND

Plaintiff hereby demands a trial by Jury.

DATED: October 23, 2008
New York, New York

Respectfully submitted,

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